

## Chapter 35

### STREETS AND SIDEWALKS\*

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#### ARTICLE I. IN GENERAL

##### **Sec. 35-1. Unlawful moving of corner stones or posts.**

Any person who shall unlawfully move or displace, or in any manner change, deface or alter any cornerstone or post marking the corner of any street or sidewalk shall be deemed guilty of a class 4 misdemeanor. (Code 1959, § 30-4)

##### **Sec. 35-2. Removal of encroachments.**

In every case of an encroachment upon a street by a fence the city manager may require the owner or maintainer thereof to remove the same. For failure to make such removal within the time ordered the city manager shall summon the offender before the general district court, which may impose a penalty of twenty-five dollars (\$25.00) for each day such failure shall continue thereafter, and may cause such encroachment to be removed at the risk and cost of the party in default. All billboards now on city property, streets or alleys, or on any other property under the control of the city, shall be removed by the person who owns or erected the same. The owner of any such billboard who shall fail to comply with this provision shall be punished for violation of a class 3 misdemeanor in accordance with section 1-13. (Code 1959, § 30-5; Ord. of 9-7-77)

**Charter reference**—Removal of encroachments upon streets, § 70.

**Cross reference**—Sight obstructions by vegetation, § 38-3.

**State law references**—Public utilities not to use streets without consent, Code of Virginia, § 15.1-375; city may permit existing encroachments, Code of Virginia, § 15.1-377.

##### **Sec. 35-2.1. Allowing certain encroachments to continue other than fences and bill boards.**

Owners of buildings or structures other than fences and billboards encroaching in, upon and over any public streets or public alleys therein may maintain such encroachments as they exist at the date of enactment of this ordinance until such buildings or structures are destroyed or removed; provided, however, that such encroachment does not obstruct the use of such street or alley by the public for travel nor constitute a public hazard and that the permitting of such encroachments to continue shall not relieve said owners of any negligence on their part on account of such encroachment. (Code 1959, § 30-5.1; Ord. Of 7-10-79)

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**\*Charter references**—Authority of city council over streets generally, § 38(9); regulation of transportation of articles through streets, § 38(18); flying kites in streets, § 38(22); streets generally, §§ 68—76.

**Cross references**—Department of community services, § 2-225 et seq.; posting signs in rights-of-way, § 3-3; signs, banners across streets, § 3-5; marking of streets, sidewalks, § 3-7; fences and walls, Ch. 17; parks and public places, Ch. 28; planning, Ch. 30.

**State law references**—General authority regarding streets, Code of Virginia, § 15.1-14; streets generally, Code of Virginia, § 15.1-363 et seq.

**Sec. 35-3. When gutters required; emptying on street or sidewalk.**

All houses, the eaves of which project over the sidewalk, shall be provided with gutters so that there shall be no dripping from the eaves upon the sidewalk. All gutters, the water from which empties upon a street or sidewalk, shall be so constructed as to discharge such water only at or below the surface of the ground. The owner or occupant of any house not complying with the requirements of this section, after notification to remedy the fault, shall be deemed guilty of a class 3 misdemeanor. (Code 1959, § 30-12)

**Sec. 35-4. Drain age from gut ters, etc., across foot way.**

No water from any lot, gutter or spout shall be permitted to flow across the footway of any street, except in a covered drain emptying into a storm drain. The cover of such drain shall not be above the surface of such footway. Such drain shall be of sufficient capacity to convey the water to be discharged by it, and shall be built and kept open and in good repair by the owner or occupant of the premises whence it proceeds. (Code 1959, § 30-13)

**Sec. 35-5. Snow- breaks.**

Houses which are located on the line of any street shall be provided with snow-breaks or guards on the side next to such street. The owner or occupant of any house who shall fail to comply with this section, after being notified by the city manager, shall be deemed guilty of a class 3 misdemeanor. (Code 1959, § 30-14)

**Sec. 35-6. Re moval of snow, sleet and ice from side walks, etc.**

It shall be the duty of the occupant of every house or lot which abuts upon a sidewalk or footway of stone, brick or wood to have all snow removed from such sidewalk or footway within four (4) hours after same shall have ceased falling, unless such snow shall have fallen during the night, in which case, it shall be removed by 12:00 noon the day following. The same requirements shall exist with respect to ice or sleet on sidewalks or footways, except that the same, when it cannot be removed without injury to the sidewalk or footway, shall be covered, within the period of time specified, with sand, ashes or some other substance which will render it safe for travel. Whenever any house or lot is unoccupied, it shall be the duty of the owner, or the agent of the owner thereof, to have the snow or ice removed from his sidewalk or footway, as above required of occupants. The penalty for each violation of this section shall be five dollars (\$5.00), and every six (6) hours that such snow or ice is allowed to remain in violation of this section shall be held to be a separate offense. For the purpose of this section the hereinafter designated officials shall be deemed the occupants of the buildings and grounds as hereinafter mentioned and shall be liable to the above-mentioned penalty. (Code 1959, § 30-15)

**Sec. 35-7. Gates and doors near street line.**

Every gate or door hereafter built in any fence or wall standing upon or within four (4) feet of the line of any street shall be so hung as to open inward, or from the line of the street. The owner of any property on which a door or gate shall be hung contrary to this section shall be responsible for compliance with this section. (Code 1959, § 30-16)

**Sec. 35-8. Ob structions gener ally.**

No person shall obstruct a street, either in its driveway or sidewalk, by placing therein anything whatsoever which will hinder or obstruct the passage of persons or vehicles in any manner whatsoever. Every hour the violation of this section continues may, in the discretion of the judge of the general district court, be held a separate offense; but, this section shall be subject to the following limitations, exceptions and provisions:

(a) Telegraph, telephone, electric light companies and electric power furnishing companies may place such reasonable number of poles in the streets as may be requisite for their business; but, such poles shall

be of such dimensions and be located or moved according to the direction and under the supervision of the city manager, and all such as may be erected on any paved street shall be painted and kept in good repair.

(b) No portion of the driveway or sidewalk shall be used for the storage of building material or for the erection of temporary structures in connection with the erection of any building or structure, except by permission of the city manager, who shall designate in each permit issued the space to be so occupied and the time limit of such occupancy. In streets through which a railway passes, such material, shed or house shall be so placed as not to interfere with the passage of cars thereon. When such building or wall is being erected, the sidewalk in front thereof shall not be obstructed, but for the protection of persons passing a shed or platform shall be erected over such sidewalk, which shall be at least eight (8) feet high, and as wide as the pavement, and as long as the wall or building which is being erected, under which persons may safely walk.

(c) Merchants and others, while receiving goods or other articles, may place the same on the carriageway next to the curbing front of their premises; provided, that not more than five (5) feet of such driveway, and no part of the footway, shall be so occupied; except, that on all streets in the city between Main Street and the James River, merchants and others may use the footway for the reception and delivery of such goods or other articles, if they do not interfere with the use of such footway by pedestrians. Such occupation of the footway or street shall be only for such time as may be necessary for such reception and delivery of such goods and other articles. (Code 1959, § 30-17)

**Sec. 35-8.1. Structures within public rights-of-way.**

(a) It shall be unlawful for any person to place any structure, building, barricade, wall, fence, tent or similar device within the public right-of-way abutting any public street, alley or sidewalk in the City of Lynchburg. This section shall not apply to mail boxes, newspaper tubes and similar devices, to bus stop shelters approved by the city or to any temporary structure placed in the public right-of-way as part of a city-supported event.

(b) A violation of this section shall constitute a class 3 misdemeanor. Each day such violation is committed or permitted to continue shall constitute a separate offense.

(c) In addition to the remedies provided in Section 35-9 of the city code, the city shall have the right to petition the judge of the circuit court for a court order preventing the erection of any structure within the public right-of-way or directing the removal of any structure erected within the public right-of-way. (Ord. No. O-94-306, 12-13-94, eff. 2-1-95)

**Sec. 35-9. Notification of obstructions; removal; recovery of costs.**

It shall be the duty of the police to promptly notify the city manager of all obstructions of the streets, sidewalks, drains or culverts or the public right-of-way abutting any public street, alley or sidewalk that are not remedied at the request of the police. The city manager shall forthwith cause all such obstructions to be removed either by the persons responsible for the same or whose duty it is to remove the same, or failing in this to have the same removed at the cost of the city. If any person whose duty it is to remove any such obstruction fails or refuses to do so within five (5) days after being notified to do so by the city manager, he shall be deemed guilty of a class 3 misdemeanor, and when the obstruction is removed at the cost of the city, the party whose duty it was to have removed such obstruction shall be fined in addition to the penalty otherwise imposed such a sum as equals the expense incurred in and about such removal, together with twenty (20) per cent thereof in addition. (Code 1959, § 38-18; Ord. No. O-94-306, 12-13-94, eff. 2-1-95)

**Sec. 35-10. Construction and use of railway lines, poles, etc.**

When the council shall permit any person to construct sewers, lay railway lines, erect poles, stretch wires, lay pipes or do any kind of work that involves in any way the free and untrammelled use of the streets or sidewalks or the safe use of the same, either temporarily or permanently, such work shall be performed and such properties, when completed, shall be used and conducted according to such reasonable regulations as

are prescribed by this chapter or may be hereafter promulgated by the council. All such work shall be so performed and all such properties shall be so used and operated as to obstruct as little as possible the ordinary use of the streets, and so as not to endanger persons or property. If any person violates this section, he shall be deemed guilty of a class 4 misdemeanor, and if he fails to conform to it within a reasonable time after having been notified to do so by the city manager, each day's default shall constitute a separate offense. Upon such default, it shall be the duty of the city manager either to abate the nuisance caused by the violation of this section, by the destruction or removal of the properties or the discontinuance of the use of the same, or by altering the same so as to make it conform to this section. In this event, the violator of this section shall in addition to the penalty prescribed by Section 1-13 be fined a sum equal to all the expenses incurred in and about the destruction, removal, discontinuance or alteration of the aforesaid works and properties. The contractor or person performing such work, as well as the owner or operator, shall be held to be within the meaning of this section. (Code 1959, § 30-19)

**Sec. 35-11. Mailboxes in streets.**

Whenever any person shall desire to erect within the lines of any street or road in the city a rural free delivery mailbox, he must first make application therefor to the city manager, through the inspections division, who may issue a permit for its erection or construction. The post or support on which such box is to be fixed shall be of such material and design as may be approved by the city manager, and shall be erected at such point as the city manager may direct. The work shall be done at the cost of the applicant. In case of refusal to issue such permit, the manager shall report to the council, and the applicant may appeal to the council, whose decision shall be final. (Code 1959, § 30-20)

**Sec. 35-12. Protective devices.**

When any work is being done on any street, alley, sidewalk or other public way or on structures abutting thereon, which may endanger persons passing thereon or thereby, barriers or other protective devices approved by the director of community services shall be erected and maintained to protect the public against any danger which may be presented to the public by reason of such work. Such barriers and devices shall be so constructed as to provide a light or other illumination during hours of darkness. (Code 1959, § 30-21)

**Sec. 35-13. Retaining walls required where earth embankments abut on side walks.**

Wherever earth embankments abut on any paved street or sidewalk, it shall be the duty of the owner of such property to erect suitable barriers or retaining walls to prevent loose earth or mud from falling upon such street or sidewalk. A person violating this section shall be guilty of a class 3 misdemeanor, and if he fails to conform hereto within a reasonable time after having been notified to do so by the city manager, each day of default may be deemed a separate offense. (Code 1959, § 30-22)

**Sec. 35-14. Sidewalks to be kept clean; cleaning filling stations where drainage flows across sidewalks.**

(a) It shall be the duty of every person owning and occupying property abutting on a paved sidewalk to cause such sidewalk to be kept clean of dirt or filth or of dangerous or obnoxious matter and substances; and, it shall be unlawful to sweep litter or trash of any character or snow from any premises onto any of the sidewalks of the city or onto the pavement of any street in the city where the driveway thereof is paved.

(b) Where any area occupied by a gasoline filling station or an automobile service station is so constructed that the drainage therefrom does not flow into a sewer, but flows across the sidewalk, the operator of such station shall not wash off such area and permit the water therefrom to run across the sidewalk between the hours of 7:00 a.m. and 8:00 p.m. (Code 1959, § 30-23)

**Sec. 35-15. Dangerous performances on or near streets.**

No person shall give, do or perform, or cause to be given, done or performed, on or adjacent to any of the public streets of the city, any performance, exhibition or stunt, for compensation, direct or indirect, or for advertising purposes, which is likely to injure, damage or otherwise harm any other person or property. (Code 1959, § 30-24)

**Sec. 35- 16. Spit ting on side walks, etc.**

No person shall expectorate on any sidewalk or on the steps or doorways of any church or public building, or on the steps or doorways of private buildings, or on the floor or pavement of any railroad station, office building or other public place. (Code 1959, § 30-26)

**Sec. 35-17. Coasting; snowballing.**

No person shall slide or coast upon the snow or ice, or throw snowballs upon any street, except such as may be designated by the city manager. (Code 1959, § 30-27)

**Sec. 35- 18. Fenc ing or fill ing ex ca va tions, etc., on pri vate lots.**

All holes, depressions, excavations or other dangerous places upon private lots that are below the grade of the adjoining street shall be properly enclosed with fences or walls, or be filled by the owners or occupants of such lots, so as to prevent persons or animals from falling into them. It shall be the duty of the city manager to notify the owners or occupants of premises on which such dangerous places exist, and require that fences or walls be built around them, or that they be filled up within such period as he shall deem that the exigencies of the case may require. The failure to comply with such notice shall be a class 2 misdemeanor. In case of a failure to comply with such notification, the city manager may cause such fencing or filling to be done at the expense of the city, and the sum so expended, with twenty (20) per cent thereof added as a penalty, shall be collected of such owner or occupant as other fines are collected, in addition to any penalty imposed for the violation of this section. (Code 1959, § 30-28)

**Sec. 35- 19. Auc tion sales on streets.**

No person shall sell, or offer for sale, at public auction, on the streets or sidewalks of the city, any goods, wares, merchandise, household furniture or other article or thing whatsoever, except real estate. (Code 1959, § 30-29)

**Sec. 35- 19.1. Sale and dis play of mer chan dise or place ment of items within pub li c right- of- way in the down town busi ness district.**

(a) In order to help encourage the growth and development of businesses in the downtown business district, a business may apply for an annual permit allowing the business to display goods, wares or merchandise, or to place showcases, menu easels, benches or tables and chairs for customers, signs and similar items within the public right-of-way adjacent to the business.

(b) Any business in the downtown business district that desires to place items in the public right-of-way shall make written application to the department of public works. The application shall contain the following information:

(1) The name, address, and telephone number of the business; (2) a description of and the proposed location of the items; (3) the name, address and telephone number of the person that will be responsible for overseeing the placement and removal of the items in and from the public right-of-way; and (4) any other information the department of public works decides is necessary to determine if the items can be safely placed in the public right-of-way.

(c) If, in the opinion of the department of public works, the proposed items can be located in the public right-of-way without endangering the public safety an annual permit shall be issued allowing the

placement of the items in that portion of the public right-of-way that is adjacent to the business submitting the application. Such items shall be located so as not to cause any inconvenience or danger to persons using the public right-of-way or create unsightly conditions. All items placed on a public sidewalk shall be located in such a manner as to leave at least four (4) feet of clearance between the item and edge of the curb. Items shall not be placed within three feet of any public area that is improved with flowers, shrubs, trees or other landscaping. A permit shall state whether or not the items can remain in the public right-of-way for a twenty-four (24) hour period or must be removed at the end of the business day. A business that receives a permit to place items in the public right-of-way shall keep the permit on the premises and shall allow city representatives to inspect the permit during regular business hours.

(d) No item placed in the public right-of-way shall be used for the advertisement, display or sale of alcohol or tobacco products or for the consumption of any alcoholic beverage.

(e) A permit shall be revoked upon a finding by the department of public works that the items located in the public right-of-way cause any inconvenience or danger to persons using the public right-of-way or create an unsightly condition. A permit may also be revoked if any of the information supplied on the application is discovered to be false or misleading or if the applicant fails to maintain the insurance required in paragraph "f" of this section. Upon notification that its permit has been revoked the business, at its sole expense, shall immediately remove all items from the public right-of-way and restore the right-of-way to its former condition. If a business fails to remove items that were placed in the public right-of-way after having been notified to do so the city may remove such items at the expense of the business.

(f) Before placing any items in the public right-of-way the business must execute an agreement holding the city harmless against all claims for personal injury or property damage resulting from the use of the public right-of-way and must furnish the city with a certificate of insurance with general liability and property damage coverage in such amount and form as shall be approved by the city's risk management coordinator. The certificate of insurance shall include the City of Lynchburg, its officers and employees as additional insureds.

(g) This section shall not apply to newspaper vending machines and public telephone facilities; however, such items must be located in such a manner so as not to cause any inconvenience or danger to persons using the public right-of-way.

(h) A violation of this section shall constitute a class 3 misdemeanor. Each day such violation is committed or permitted to continue shall constitute a separate offense. (Ord. No. O-83-045, § 1, 3-8-83; Ord. No. O-97-083, 5-13-97)

#### **Sec. 35-20. Care of private alleys.**

It shall be the duty of the owner of every private alley to have the same so graded as to prevent the accumulation therein of water or filth, and to keep the same constantly clean and in good order. Any person failing to comply with the provisions of this section shall be deemed guilty of a class 4 misdemeanor, and every twenty-four (24) hours that he shall so neglect or refuse to comply with the provisions of this section after notice of the violation from the city manager shall constitute a separate offense. (Code 1959, § 30-31)

#### **Sec. 35-21 Names and locations of streets.**

The names and locations of streets shall be as they have been, or from time to time may be fixed or changed by resolution or ordinance of the council. (Code 1959, § 30-35)

**State law reference**—Alteration, vacation of streets, Code of Virginia, § 15.1-364.

#### **Sec. 35-22. Vehicle scattering or depositing dirt, trash and other materials upon streets.**

(a) No vehicle shall be driven or moved on any highway, street, alley or other public right-of-way within the City limits unless such vehicle is constructed or loaded to prevent any of its load from dropping,

shifting, leaking or otherwise escaping therefrom; provided, however, that sand or any substance to increase traction or water or other substance may be applied on a roadway in the cleaning or maintaining of such roadway by the state or local government agency having such responsibilities.

(b) No vehicle used to transport litter or other items likely to fall or be blown from such vehicle shall be driven or moved, stopped or parked on any highway or street unless such vehicle is covered to prevent its contents from blowing, dropping or falling from such vehicle.

(c) It shall be the duty of the owner or operator of every vehicle used for the transportation of dirt, sand, coal, paper, trash, garbage, manure or any other matter or material of any kind or description whatsoever, along or over any of the highways, streets, alleys or other rights-of-way of the City, to make provisions for the securing of such material in or on such vehicle in such manner that such material, or any portion thereof, will not scatter or fall on any of the aforesaid highways, streets, alleys or public rights-of-way.

(d) Any person operating a vehicle from which any litter has fallen or escaped, which could cause an obstruction or damage a vehicle or otherwise endanger travelers on such public property, shall immediately cause the public property to be cleaned of all glass or objects and shall pay any costs therefor.

(e) Any person violating the provisions of this section shall, for a first offense, be deemed guilty of a class 4 misdemeanor. For a second or subsequent conviction within a twelve (12) month period, he shall be deemed guilty of a class 3 misdemeanor. (Ord. No. O-85-113, § 2, 5-28-85)

**Sec. 35- 23. Loitering on and throwing objects from bridges.**

(a) Pedestrians shall not loiter on any bridge within the city on which the city traffic engineer has posted signs prohibiting such action.

(b) No person shall throw any object from any bridge within the city.

(c) Any person convicted of a violation of the provisions of this section shall be guilty of a class 4 misdemeanor. (Ord. No. O-88-186, § 1, 8-9-88)

**Sec. 35- 24. Unlawful to install and/or expand communications systems without a franchise.**

The council of the city of Lynchburg has determined that it is in the best interests of the city and its citizens to regulate and grant franchises to entities desiring to construct, operate and maintain communications systems within the public streets, alleys, public grounds or other public rights-of-way.

No corporation, association, person, partnership, or any other entity, whether public or private, profit or not for profit, shall construct, operate, expand or maintain a public or private communication system, any type of transmitter/receiver system, any telecommunication system, or any other system of any nature whatsoever for the purpose of transmitting or receiving voice, data, video or image signals in any of the city's streets, alleys, public grounds or other public rights-of-way without first obtaining a franchise from the Lynchburg city council.

No corporation, association, person, partnership, or any other entity, which currently has a franchise from the city to maintain electric, gas, light, power, telephone, cable television, or any other services in the city's streets, alleys, public grounds, or other public rights-of-way shall expand, sell, lease or transfer their equipment and facilities to include any of the activities listed above without first obtaining a modification of their existing franchise from the city specifically permitting such activities.

Any violation of this section shall be punishable as a class 1 misdemeanor and each day such violation continues shall be punishable as a separate offense. In addition to the other penalties provided herein the city shall have the right to petition the judge of the circuit court for a court order enjoining any violation of this section. (Ord. No. O-95-132, 5-23-95)

**Sec. 35-25. Authority to enter into agreements and set fees for access to fiber optic facilities located in the public rights-of-way.**

(a) The city manager or his or her designee shall have the authority to make and/or enter into contracts or other agreements or arrangements concerning access to the city's fiber optic facilities located in the public rights-of-way, as deemed necessary; provided that the terms and conditions of such contracts shall not be contrary to the provisions of this code.

(b) The city manager or his or her designee shall have the authority to prescribe, revise and collect fees for access to the city's fiber optic facilities. Such fees shall take into consideration the city's cost of installing, operating, maintaining, and managing such facilities, a reasonable rate of return on the city's investment, and the intended purpose for which the user is seeking access to the facilities.

(c) The city manager shall file with the city clerk and make available for public inspection all schedules of fees which the city has established and which are in force at that time. (Ord. No. O-97-196, 9-23-97)

**Sec. 35-26. Public rights-of-way use fee for providers of telecommunications services.**

(a) For purposes of this section:

"Certificated provider of telecommunication services" means a public service corporation holding a certificate issued by the state corporation commission to provide local exchange or interexchange telephone service.

"Public rights-of-way use fee" means a fee charged and billed monthly to the ultimate end user of each access line of a certificated provider of local exchange telephone service, the rate of which fee shall be established annually by the Virginia department of transportation in the manner specified in Section 56-468.1 of the Code of Virginia.

(b) The public rights-of-way use fee is hereby imposed on the ultimate end user of each access line, as defined in Section 56-468.1 (A) of the Code of Virginia and shall be collected by each certificated provider of local exchange telephone provider service operating in the city, but not providers of commercial mobile radio services. Within two months after the end of each calendar quarter, each such certificated provider shall remit to the city's finance department the amount of public rights-of-way use fees it has billed to end users of the provider's services during such preceding quarter. Fee so collected by the certificated providers shall be deemed to be held in trust until remitted to the city's finance department. Such fees shall constitute a debt of the ultimate end user until paid to such provider. If any ultimate end user refuses to pay the public rights-of-way use fee, the local exchange service provider shall furnish the name and address of each such ultimate end user on a quarterly basis along with the remittance of fees.

(c) The public rights-of-way fee shall be in lieu of, and not in addition to, the permit inspection and other fees imposed by the city code on certificated providers of telecommunications services. No certificated provider of telecommunication services shall be required to pay such permit or inspection fees or any other city fees or charges (except for zoning, subdivision, site plan and comprehensive plan fees of general application) as a condition of, or as compensation for, its use of the public rights-of-way.

(d) Nothing in this section, however, shall relieve any certificated provider of telecommunication services from submitting plans, applying for permits and adhering to applicable standards for construction, installation of facilities and street or roadway repairs in the manner required by the city code and all other applicable statutes, ordinances or regulations, provided such requirements are no greater than those imposed on all other providers of telecommunications or nonpublic providers of telecommunications or nonpublic providers of cable television, electric, natural gas, water or sanitary sewer services. Any application by a certificated provider of telecommunication services to use city rights-of-way shall be granted or denied by the city manager within forty-five (45) days after receipt, and, if denied, shall be accompanied by a written explanation of the reasons for denial and the actions required to cure the denial.

(e) Nothing in this section shall affect the type or amount of fees payable by providers of cable television services pursuant to any existing or future franchise, license or permit granted by the city.

(f) Nothing in this section shall affect any amount payable by any provider of telecommunications services for the right to locate towers or other facilities on property of the city other than within the public rights-of-way nor shall anything prohibit the city from entering into voluntary pole attachment, conduit occupancy or conduit construction agreements with any certificated provider of telecommunications service.

(g) The city shall annually expend at least ten percent (10%) of the amount of the public rights-of-way use fees it receives under this section for transportation construction or maintenance purposes. (Ord. No. O-98-151, 6-23-98, eff. 10-1-98)

**Secs. 35-27—35-33. Reserved.**

## **ARTICLE II. DRIVEWAYS**

### **Sec. 35-34. Penalty.**

Any person violating the provisions of this article shall be deemed guilty of a class 3 misdemeanor. (Code 1959, § 30-3.1)

### **Sec. 35-35. Permit required; conditions.**

(a) Any person desiring to cross the sidewalks or curbs or street right-of-way lines with any such vehicles or machinery to enter any private premises or private road or alley, shall make application to the city engineer for a permit to construct a driveway across city property to enter any such private premises or private road or alley on his premises, and when such permit is granted therefor, the persons securing such permit shall construct such crossing at their own expense of such materials as may be specified by the director of public works and shall cause the curbing, if any, to be removed for the required width of the driveway. All construction must be performed in accordance with the standards developed by the department of public works. A copy of such standards shall be kept in the office of the department of public works and shall be available for review upon request. It shall be the responsibility of any applicant for a permit to review the standards and become familiar with its requirements before beginning any construction work.

(b) During the installation of any utility or its appurtenances, the public utility, public service corporation and their subcontractors, independent contractors or any other entity which performs work for



them under the terms of this article shall have the responsibility to install the utility and its appurtenances in accordance with all federal, state, and local laws, rules and regulations and prevailing industry standards, and shall be solely responsible for any damages that may occur due to their failure to install such utility or appurtenances in accordance with such requirements. The city does not inspect any installation for compliance with such standards, nor does it assume any responsibility for the failure of the public utility company, public service corporation, their subcontractors, independent contractors, or any other entity which performs work for the utility, to comply with such requirements. (Code 1959, § 30-3.1; Ord. No. O-88-062, § 1, 3-22-88, eff. 7-1-88; Ord. No. O-88-176, § 1, 7-12-88; Ord. No. O-94-318, 12-13-94, eff. 1-1-95; Ord. No. O-99-037, 2-23-99)

**Sec. 35-36. Specifications generally.**

The opening for driveways constructed pursuant to the provisions of this article shall have a new curb installed with a minimum radius of thirty (30) inches connecting the driveway to the existing curb. Such construction shall be done in accordance with specifications, approved by the city engineer, and to his satisfaction, and no such crossing shall exceed fifty (50) feet in width. (Code 1959, § 30-3.1)

**Sec. 35-37. Bridges, temporary crossings.**

No person shall be allowed to place a bridge or any other obstruction over any paved gutters or sidewalk; provided, however, that the city engineer may grant a permit to any person to put in a temporary crossing over a sidewalk for the purpose of excavating on or filling in private premises upon such conditions as may be necessary to protect such sidewalk from injury while such work is going on, to be constructed and maintained at the expense of the person to whom such permit is granted. (Code 1959, § 30-3.1)

**Sec. 35-38. Pipe for drainage ditch.**

For the crossing of any drainage ditch the owner shall provide at his expense a pipe or conduit of such size and length as may be specified by the city engineer, such pipe or conduit to be placed or installed by the city. (Code 1959, § 30-3.1)

**Sec. 35-39. Indemnification of city.**

The acceptance of a permit issued under the provisions of this article shall bind the recipient thereof and his successors in ownership to indemnify and save harmless the city from all claims for damages to persons or property by reason of the construction and maintenance of the crossover for which the permit is granted; and, also, upon the abandonment of the use of the crossover, to restore, at his sole expense, the sidewalk and curb, or either, to its original condition within sixty (60) days from receipt of written notice to him by the city engineer so to do. No permit shall be issued except upon the signed application therefor by the owner of the property to be served by the crossover, or his duly authorized agent; and the application shall show on its face that the applicant agrees to be so bound. (Code 1959, § 30-3.1)

**Sec. 35-40. Expiration.**

The failure to exercise a permit issued under the provisions of this article within three (3) months after its date of issue shall operate to automatically revoke the permit. (Code 1959, § 30-3.1)

**Sec. 35-41. Maintenance of drive ways.**

(a) Duty of owner or occupant. In order to ensure the safe passage of the public it is necessary that driveways installed on city property be maintained in a safe condition. Since the installation of a driveway is for the sole benefit for the owner or occupant of the real property adjoining the driveway, it shall be the duty of any person or persons owning or occupying real property adjoining any driveway installed in the public right-of-way to maintain such driveway in a safe condition.

(b) Notice to repair. Whenever the owner or occupant of any real property abutting a driveway fails to maintain the driveway in a safe condition such owner or occupant shall be notified by the city manager or his designee, that the driveway is unsafe and it shall be the duty of the owner or occupant to at once repair the same. In case of the failure of the owner or occupant to repair the driveway within five (5) days after receipt of written notice, the city manager may cause such repairs to be made at the cost of the city, and the cost thereof, which shall be collected from the party in default in the same manner as taxes are collected, including the same penalty and interest applicable to delinquent taxes.

(c) Service of notice. The notice to repair a driveway shall be served by mailing a copy of the notice to the last known address of the property owner or to the occupant by certified mail.

(d) City's cost declared lien. Any and all costs incurred by the city in the repair of a driveway under the provisions of this section shall constitute a lien against the real property adjoining such driveway, which liens shall be filed, proven and collected as provided for by law. Such liens shall be notice to all persons from the time of its recording, and shall bear interest at the legal rate thereafter until satisfied. (Ord. No. O-88-176, § 1, 7-12-88)

**Secs. 35- 42—35- 50. Re served.**

### **ARTICLE III. EXCAVATIONS**

**Sec. 35- 51. Viola tions.**

Any person who shall violate any provision of this article shall be guilty of a class 4 misdemeanor. (Code 1959, § 30-3; Ord. of 8-8-78)

**Sec. 35- 52. Per mit re quired.**

No person shall excavate within the right-of-way of any street, sidewalk, alley or any other public right-of-way or thoroughfare in the city, for any purpose whatsoever, without first obtaining a permit to do so. Any person performing any excavation work shall be responsible for making any and all repairs necessitated by such excavation work and all repairs shall be done in a workmanlike manner. In addition, any person performing any excavation work shall meet all applicable requirements of Chapter 38, "Trees and Vegetation," of the Code of the City of Lynchburg, as amended from time to time. (Code 1959, § 30-3; Ord. of 8-8-78; Ord. No. O-84-161, § 1, 6-26-84; Ord. No. O-92-144, 5-12-92)

**Sec. 35- 53. Publi c utility, service com panies.**

Public utility and public service corporations which have been granted the privilege to operate in the streets of the city shall obtain an excavation permit thirty (30) days in advance for all preplanned work and within twenty-four (24) hours of starting emergency work, unless such emergency work occurs during weekends or normal city holidays, in which cases the permit shall be obtained during the next work day. Public utility and public service corporations and their subcontractors, independent contractors, and any other entity which performs any work under the terms of this article shall meet any bonding requirements set forth in the franchise granted by the city to the public utility or public service corporation. Public utility and public service corporations and their subcontractors, independent contractors, and any other entity which performs any work under the terms of the article shall provide proof of liability insurance satisfactory to the city attorney. (Code 1959, § 30-3; Ord. of 8-8-78; Ord. No. O-92-144, 5-12-92)

**Sec. 35- 54. Appli cation.**

Any person desiring a permit required by the provisions of this article shall make written application therefor with the city engineer on forms supplied by him. Each individual excavation or work area will require an individual permit. (Code 1959, § 30-3; Ord. of 8-8-78; Ord. No. O-92-144, 5-12-92)

**Sec. 35-55. Inspection fee; deposit.**

Before any permit shall be issued under the provisions of this article, the applicant therefor shall deposit with the city an inspection fee in the amount of twenty-five dollars (\$25.00) for each permit applicable to an area not exceeding ten (10) square feet plus fifty cents (\$0.50) for each square foot in excess thereof. These fees are subject to annual review and revision by the city council. If in the opinion of the city engineer a permit requires more than the usual routine administrative and inspection time, the utility shall be billed for all costs associated with this permit at a cost plus an overhead rate.

To ensure the restoration of the excavated area (for a minimum of one (1) year), the applicant shall also submit a bond, certified check, or other method of surety as approved by the city attorney. The amount of said bond, certified check, or surety shall be determined by the city engineer or such other person or persons as the city may from time to time designate. (Code 1959, § 30-3; Ord. of 8-8-78; Ord. No. O-84-141, § 1, 6-12-84; eff. 7-1-84; Ord. No. O-88-062, § 1, 3-22-88, eff. 7-1-88; Ord. No. O-92-144, 5-12-92)

**Sec. 35-56. Issuance of permit and indemnification.**

If the city engineer approves the work as stated in the application for a permit required by the provisions of this article, he shall issue such permit. The acceptance of a permit issued under the provisions of this article shall require the recipient thereof and his successors in interest to indemnify, hold harmless, and defend the city, its employees and officials, from all claims, expenses and costs, including reasonable attorney's fees, for damages or injuries to any person or property of any nature whatsoever, arising out of any excavation work for which the permit is granted. (Code 1959, § 30-3; Ord. of 8-8-78; Ord. No. O-95-313, 11-28-95)

**Sec. 35-57. Denial of permit.**

If the city engineer shall not approve for any reason the proposed work for which a permit is required under the provisions of this article (for example, because of location, materials used, construction practices, etc.), he shall return the application and deposit to the applicant. If the applicant is aggrieved by the action of the city engineer, he may appeal the same to the public works director. The decision of the public works director shall be final. (Code 1959, § 30-3; Ord. of 8-8-78; Ord. No. O-92-144, 5-12-92)

**Sec. 35-58. Reconstruction, disposition of deposit.**

All reconstruction of excavated areas within the public right-of-way shall be restored as outlined in the city's procedures manual for asphalt/concrete (street) repairs. A copy of the procedures manual for asphalt/concrete (street) repairs shall be kept in the office of the department of Public Works and shall be available for review upon request. It shall be the responsibility of any applicant for a permit to review the manual and become familiar with its requirements before beginning any excavation work. (Code 1959, § 30-3; Ord. of 8-8-78; Ord. No. O-92-144, 5-12-92)

**Sec. 35-59. Disposition of deposit.**

Failure to complete the work within such specified time without good cause, in the opinion of the city engineer, shall result in forfeiture of the permit holder's bond or certified check. This is not a liquidated damages provision. In addition to the forfeiture of the permit holder's bond or certified check, the city retains any and all rights and remedies which it may have against the permit holder as a result of the permit holder's failure. Upon any such failure, in addition to any other remedy, the city may complete the work and recover the cost from the permit holder. (Ord. No. O-92-144, 5-12-92)

**Sec. 35-60. Identification.**

Each excavation shall be identified by the applicant in the field as to ownership. The color codes shall comply with industry standards for marking utilities. (Ord. No. O-92-144, 5-12-92)

**Sec. 35-61. Maintenance and indemnification.**

(a) In order to protect the public safety it shall be the duty of the owner or occupant of any real property which abuts any sidewalk, steps, bridge, or any other crossing that has been installed in the public right-of-way for the benefit of the private property abutting the public right-of-way to maintain, at the owner or occupant's sole expense, such sidewalk, steps, bridge, or other crossing in a safe condition.

(b) If the owner or occupant fails to maintain such sidewalk, steps, bridge, or other crossing, within five (5) days after receiving notice from the city, the city may cause such repairs to be made and the cost of the repairs shall be recovered from the owner or occupant in the same manner that delinquent taxes are covered. Lack of notice from the city shall not relieve the owner or occupant of the responsibility to maintain such sidewalk, steps, bridge or other crossing in a safe condition.

(c) Since the installation of sidewalk, steps, bridge or any other crossing covered under the provisions of this section is for the sole benefit of the owner or occupant of the real property abutting the public right-of-way in which such crossing is installed, the owner or occupant, and their successors in interest, shall indemnify, hold harmless, and defend the city, its employees and officials, from all claims, expenses, and costs, including reasonable attorney's fees, for damages or injuries to any person or property of any nature whatsoever, arising out of the construction and maintenance of such sidewalk, steps, bridge, or other crossing. (Ord. No. O-95-313, 11-28-95)

**Secs. 35- 62—35- 70. Reserved.****ARTICLE IV. STREET VACATIONS****Sec. 35- 71. Authority of council.**

The city council, on its own motion or on application of any person, may alter or vacate streets and alleys within the city. (Code 1959, § 30-37; Ord. of 2-22-77)

**State law reference**—Authority to alter, vacate streets, Code of Virginia, § 15.1-364.

**Sec. 35- 72. Application.**

Any person making application to council to alter or vacate a street shall file with the clerk of council an application, copy of notice, draft of a resolution appointing viewers, draft of an ordinance of vacation and a filing fee. (Code 1959, § 30-37; Ord. of 2-22-77)

**Sec. 35- 73. Filing fee.**

The filing fee for an application for the alteration or vacation of a street or alley within the city shall be seventy-five dollars (\$75.00). (Code 1959, § 30-37; Ord. of 2-22-77; Ord. No. O-90-093, 3-27-90, eff. 7-1-90)

**State law reference**—Filing fee limited, Code of Virginia, § 15.1-364.1.

**Sec. 35- 74. Notice of application.**

Notice of application for alteration or vacation of a street or alley within the city shall be posted on a sign on the premises to be altered or vacated, in size and form approved by the city traffic engineer, at least ten (10) days prior to the appointment of viewers by council, and shall be published at least twice, with at least six (6) days elapsing between the first and second publication, in some newspaper published or having general circulation in the city, prior to the appointment of viewers by the council. (Code 1959, § 30-37; Ord. of 2-22-77; Ord. No. O-82-185, § 1, 9-14-82)

**Sec. 35-75. Notice to land proprietors.**

The person making an application for the alteration or vacation of a street or alley in the city shall cause the land proprietors affected thereby along the street or alley proposed to be altered or vacated to be notified by certified mail of the meeting when the council shall consider such proposed alteration or vacation. (Code 1959, § 30-37; Ord. of 2-22-77)

**Sec. 35- 76. Viewers.**

Upon application of any person for the alteration or vacation of a street or alley in the city, the council may appoint, from an approved listing, not less than three (3) nor more than five (5) viewers who shall view such street or alley and report in writing to the council whether in their opinion any, and if any, what, inconvenience would result from discontinuing the same. The council shall allow such viewers the sum of twenty-five dollars (\$25.00) for their services, to be paid by the person making the application to alter or vacate the street or alley. (Code 1959, § 30-37; Ord. of 2-22-77; Ord. No. O-95-136, 6-13-95)

**Sec. 35- 77. Action by council.**

From the report of the viewers of a street or alley to be altered or vacated under the provisions of this article, recommendation from the city manager, and other evidence, if any, the council may discontinue such street or alley. The clerk of council shall cause a certified copy of the ordinance of vacation to be recorded in the clerk's office of the circuit court of the city, which shall be indexed in the name of the city. (Code 1959, § 30-37; Ord. of 2-22-77)

**Secs. 35- 78—35- 84. Reserved.**



**ARTICLE V. SUBSURFACE AREAS UNDER SIDEWALKS****Sec. 35- 85. Specifications for openings.**

Every cellar or area hereafter constructed which opens in a sidewalk shall have such opening covered with substantial iron grating, rough-surface iron or iron and glass, which shall be flush with the pavement, and no such opening to any existing cellar or area shall be re-covered nor shall the covering thereof be repaired or renewed, except with such material and in such manner as above required. No entrance or other opening to any cellar or area hereafter constructed in any sidewalk shall extend nearer to the curbstone than one-half (1/2) the width of such sidewalk. The entrance of every cellar which opens in a sidewalk shall be covered with two (2) doors of equal width, without joints and so constructed that when closed they shall be flush with the pavement, and when open shall each stand upright and at right angles to the pavement and be held in such position by connecting bars at the end of such doors nearest the curbline. No cellar doors shall be allowed to fall back or lie flat upon the street or sidewalk, nor to remain open any longer than necessary and while in actual use. The owner or occupant of any house the cellar or area to which does not conform to the requirements of this section who shall, after notification by the city manager, fail or refuse to comply with its provisions shall be deemed guilty of a class 4 misdemeanor. (Code 1959, § 30-6)

**Sec. 35- 86. Repair of defective covers.**

Whenever the owner or occupant of any house to which is attached any area, cellar, vault or coalhole opening in the street shall be notified by the city manager that the covering thereof is insecure and dangerous, it shall be his duty at once to repair the same. In case of failure to repair within five (5) days, the city manager may cause such repairs to be made at the cost of the city, and the cost thereof, with twenty (20) per cent additional as a fine, shall be collected of the party in default in like manner as fines and assessments are collected. (Code 1959, § 30-7)

**Sec. 35- 87. Vaults, cellars, coal holes and other sub surface areas under side walks.**

Any vaults, cellars, coalholes and other subsurface areas under sidewalks shall conform to the following requirements:

- (a) No such vault, cellar, coalhole or other subsurface area shall extend beyond the inner line of the curbstone.
- (b) The outer wall nearest the driveway shall be of good building stone laid with good cement; the sidewalks shall be of good hard brick or building stone laid in cement mortar and the top shall be formed of large, flat stones, concrete or iron plates, or arched with stone or hard brick, with the crown of the arch not less than one (1) foot below the surface of the pavement.
- (c) Any opening into the sidewalk shall be located not more than ten (10) inches from the curbstone and shall not exceed eighteen (18) inches in diameter, and shall be securely covered with strong and substantial grating or doors, in which gratings and doors there are to be no openings, and all appurtenances are to be flush with the sidewalk, and the top surface to be finished so as not to become slippery, and construction of all such doors and gratings shall be approved by the city manager.
- (d) Such vaults, cellars, coalholes or subsurface areas under sidewalks hereafter constructed shall be in accordance with plans first approved by the city manager as conforming to this section.
- (e) No vault, cellar, coalhole or other subsurface area opening into the sidewalk shall hereafter be permitted until the person applying for a permit shall furnish the inspections division of the department of community services a certificate of insurance, on forms furnished by such division for the purpose, certifying that the owner or tenant of the premises to which such subsurface area is attached has public liability insurance for personal injuries covering such subsurface area, and its opening into the sidewalk, in

the amount of fifteen thousand dollars (\$15,000.00) for each person, thirty thousand dollars (\$30,000.00) for each accident. The certificate of insurance shall show the name of the insurance company, the name of the insured, address of insured, location of insured premises, insurance policy number, date insurance policy issued, expiration date of insurance policy, limits of policy, type of insurance and a clause providing that in the case of cancellation of the insurance policy, the city shall be given ten (10) days' notice prior to such cancellation. Any person lawfully using any existing opening into a sidewalk from a subsurface area shall, on or before January 1, 1946, comply with the provisions of this subsection. (Code 1959, § 30-8)

**Sec. 35- 88. Cel lar, vault and coal hole open ings to be kept closed.**

Every cellar, vault or coalhole opening in a sidewalk shall be kept closed and the cover thereof securely fastened, except when the same shall actually be in use. Such cover shall not be opened or remain open, unless there is a person in immediate attendance on the sidewalk for the purpose of warning and protecting pedestrians. Any person who opens such cover or leaves such cover open in violation of the terms of this section, or any person owning or occupying any building to which any such sidewalk opening is attached, who suffers or permits the cover of such opening to be opened or left open shall be deemed guilty of a class 4 misdemeanor. (Code 1959, § 30-9)

**Sec. 35- 89. Ma li ciously open ing cel lar, vault or coal hole open ings.**

No person shall willfully or maliciously open or cause to be opened any cellar, vault or coalhole opening in a sidewalk, whereby the safety of users of the sidewalk is endangered. The violation of this section shall be deemed a class 1 misdemeanor. (Code 1959, § 30-10)

**Sec. 35- 90. Delivery of coal over or about sidewalks; removal of particles of coal from sidewalk.**

Whenever coal is handled or transported over or about any sidewalk in the city, the person to whom such coal is delivered shall within one hour after such coal is delivered have all particles of coal or coal dust swept or removed from the sidewalk and street in front of or near his premises; and any person delivering any coal within the fire limits in this city, before delivering such coal, shall sprinkle the same with sufficient water to prevent any coal dust or particles of coal from escaping in any direction, except on the premises of the person to whom it is delivered. No coal shall be delivered on Main Street between Rivermont Bridge and Thirteenth Street; on Church Street between Fifth Street and Twelfth Street and on Fifth, Sixth, Seventh, Eighth, Ninth, Tenth and Eleventh Streets between Main and Church Streets, into, over or across the sidewalks, between the hours of 9:00 a.m. and 6:00 p.m., unless it be in sacks meeting the approval of the city; except, that where the inner edge of any coal delivery hole is a distance of four (4) feet or more from the back of the sidewalk or building line, on the above-mentioned streets, coal may be delivered thereinto without the use of sacks at any time; provided, that suitable metal cylindrical chutes or suitable metal semicircular screens, of a design and character meeting the approval of the city, be employed at all times and in each instance during such coal delivery, such chutes or screens being rigidly fastened to or supported by the sidewalk structure so as to be stable and so located that pedestrians may at all times of such unloading pass without obstruction behind such chutes or screens; and provided, that such delivery and unloading be accomplished without the blowing of coal dust or the spilling of coal outside of the chutes or screens; and provided further, that after each load of coal is delivered, the sidewalk and pavement shall be immediately swept and cleaned of all coal dust and particles whatsoever. (Code 1959, § 30-11)

**Secs. 35- 91—35- 100. Re served.**

**ARTICLE VI. STREET NAMES****Sec. 35- 101. Compliance with article.**

All dedicated streets, public ways, and all private roads coming under this article, established or acquired after the twenty-sixth day of July, 1977, shall be named or renamed in accordance with the provisions of this article. (Code 1959, § 30-39(1); Ord. of 7-26-77)

**Sec. 35- 102. Interpretation.**

All cases requiring interpretation of this article shall be resolved by the superintendent of inspections unless otherwise indicated. (Code 1959, § 30-39(6); Ord. of 7-26-77)

**Sec. 35- 103. Additional regulations.**

The city council may, by resolution, adopt further designations or any additional rules and regulations concerning the provisions of this article as it may deem necessary. (Code 1959, § 30-39(7); Ord. of 7-26-77)

**Sec. 35- 104. Suffix definitions.**

The following street name suffix definitions shall be applied to all new street names after the twenty-sixth day of July, 1977. The city traffic engineer will resolve all cases of interpretation of the following definitions:

Alley or lane: A local street, usually short in length.

Avenue, boulevard or road: A divided or undivided arterial street with controlled access.

Circle: A local curved street forming all or part of a circle and having an intersection at each end.

Court, square or place: A local street, usually a short cul-de-sac.

Drive or street: A collector or local street usually several blocks in length and intersecting with other streets.

Expressway: A high-speed, divided highway with access fully or partially controlled and grade separations at major intersections.

Parkway or highway: A landscaped through street which may serve as an arterial, collector or scenic route.

Terrace: A local street usually short in length and with or without a terrace in the center. (Code 1959, § 30-39(1)(b); Ord. of 7-26-77)

**Sec. 35- 105. Criteria for names, signs.**

All streets shall be named and signed accordingly, provided said streets meet the criteria of either of the following:

(a) All dedicated streets within the city limits shall encompass a minimum right-of-way of thirty (30) feet.

(b) All streets dedicated or private, not covered in subsection (a), may be assigned a name provided that a name assignment has been requested by the property owners on said street, and provided further that the planning commission deems the petitioned street of sufficient significance to warrant naming. (Code 1959, § 30-39(2); Ord. of 7-26-77)

**Sec. 35-106. Uniqueness of name.**

All street names submitted for consideration after the twenty-sixth day of July, 1977, shall be unique to the city in that they shall not duplicate or sound like an existing street name. Differentiation by street name suffix will not constitute a unique street name. (Code 1959, § 30-39(3); Ord. of 7-26-77)

**Sec. 35- 107. Use of same name.**

All streets running in the same direction and having a deviation of not more than one hundred twenty-five (125) feet shall carry the same name unless special circumstances make this procedure impracticable. (Code 1959, § 30-39(1)(a); Ord. of 7-26-77)

**Sec. 35- 108. Procedure generally.**

The procedure for naming or renaming any street within the city limits on or after the twenty-sixth day of July, 1977, shall be as provided in sections 35-109 through 35-114. (Code 1959, § 30-39(4); Ord. of 7-26-77)

**Sec. 35- 109. Authority of council.**

The council, by resolution, may rename or name an existing or newly established street within the city limits, provided such changes, namings and renamings are carried out in other than an arbitrary manner. (Code 1959, § 30-39(4)(a); Ord. of 7-26-77)

**Sec. 35- 110. Initiation of request; notice.**

Any person or persons initiating a street naming or renaming request will be responsible for notifying all property owners on the affected street as to the proposed name. Proof of such notification shall be furnished to the planning division in the form of certified letter receipts. (Code 1959, § 30-39(4)(b); Ord. of 7-26-77)

**Sec. 35- 111. Review of proposed names.**

Proposed street names will be reviewed by the city technical review committee, planning commission and council, with the final decision resting with the council. (Code 1959, § 30-39(4)(b); Ord. of 7-26-77)

**Sec. 35- 112. Approval of new name; recording.**

Upon approval of a new street name, the superintendent of inspections will cause the name to be recorded, as stipulated in this chapter. (Code 1959, § 30-39(4)(b); Ord. of 7-26-77)

**Sec. 35- 113. Notice of new name; numbers.**

Upon the approval of a new street name, the superintendent of inspections will immediately notify property owners on the street as to the new name; and, if recognized numbers do not presently exist, numbers will be assigned in accordance with the provisions of this chapter. (Code 1959, § 30-39(4)(b); Ord. of 7-26-77)

**Sec. 35- 114. Subdivisions.**

Every subdivision plat submitted for approval on or after the twenty-sixth day of July, 1977, shall bear upon its face the proper names of any and all streets, avenues and public ways hereafter dedicated to public use within the city limits and house numbers assigned to each lot. Street names and house numbers shall first have been checked by the planning division as to their appropriateness under the provisions of this chapter. (Code 1959, § 30-39(5); Ord. of 7-26-77)

**Secs. 35- 115—35- 120. Reserved.**

**ARTICLE VII. HOUSE NUMBERS**

**Sec. 35- 121. System established; compliance.**

There is hereby established a system for numbering buildings fronting on all streets, avenues and public ways in the city; and all houses and other buildings shall be numbered in accordance with the provisions of this article. (Code 1959, § 30-38(1); Ord. of 7-26-77)

**Sec. 35- 122. Interpretation.**

All cases requiring interpretation of this article shall be resolved by the superintendent of inspections unless otherwise indicated. (Code 1959, § 30-38 (10); Ord. of 7-26-77)

**Sec. 35- 123. Additional regulations.**

The council may, by resolution, adopt further designations or any additional rules and regulations as it may deem necessary. (Code 1959, § 30-38(11); Ord. of 7-26-77)

**Sec. 35- 124. Basic grid of city.**

On streets running generally parallel with the James River, the odd numbers of structures shall apply to the south and west sides and the even numbers to the north and east sides. On streets running generally perpendicularly to the James River, the odd numbers shall apply to the north and west sides and the even numbers to the south and east sides. (Code 1959, § 30-38(3); Ord. of 7-26-77)

**Sec. 35- 125. Assignment of numbers—Streets existing on August 1, 1977.**

Existing numbering on existing improved streets encompassed within the city limits prior to August 1, 1977, shall remain; and unnumbered structures on such streets shall be numbered in accordance with the following procedure as such need is determined by the superintendent of inspections:

(a) On all streets running parallel with the James River, the numbering shall commence with number "100" at First Street, increasing at the rate of one hundred (100) numbers for each block going southward and eastward, and at the rate of one hundred (100) numbers for each block in streets extending northward and westward from First Street, and with "100" at A Street, increasing at the same rate going northward and westward on all streets north or west of the Blackwater Creek and its confluence with the James River. On all streets running perpendicularly to the James River, the numbering shall commence with number "100" at Commerce Street, Elm Avenue and Johnson Street, and the James River north of A Street, and shall increase at the rate of one hundred (100) numbers for each block going southward and westward. (Code 1959, § 30-38(6); Ord. of 7-26-77)

**Sec. 35- 126. Same—Annexed areas after August 1, 1977.**

This section shall become effective on and after the first day of August, 1977, to all streets in the area annexed by the city on the first day of January, 1976.

(a) All streets emanating from the city (prior to annexation) and continuing into the annexed area shall reflect a continuation of the existing house numbers, as recognized by the superintendent of inspections. Said continuation of numbering shall be in compliance with all applicable provisions of this article.

(b) All other annexed streets shall be numbered in compliance with this article and shall commence with number "100" at the origin of such street (as determined by the superintendent of inspections) and increasing at the rate of one hundred (100) numbers for each distance of eight hundred (800) feet or at the intersection of two (2) through streets, whichever is less. Assignment of house numbers will occur at fifty (50) foot intervals, unless existing numbers are established at longer intervals.

**Sec. 35-127. Same—Streets dedicated after August 1, 1977.**

Streets acquired by the city through dedication by private parties or new city, state or federal construction subsequent to the first day of August, 1977, shall be numbered in compliance with section 35-126(b). (Code 1959, § 30-38(5); Ord. of 7-26-77)

**Sec. 35-128. Same—Per building.**

(a) Where any building contains more than one (1) entrance serving separate occupants, a separate number shall be assigned to each entrance serving a separate occupant providing such building occupies a lot, parcel or tract having a frontage not less than fifty (50) feet for each such unit. If the building is not located on a lot, parcel or tract which would permit the assignment of one (1) number to each such entrance, numerals and letters shall be used as provided in paragraph (b) of this section.

(b) Where the superintendent of inspections determines that only one number can be assigned to any house or building, the owner, occupant or agent of such house or building desiring distinctive numbers for any subunit of such house or building, or for any part of the same fronting on any street, shall use the suffix (A), (B), (C), etc., with the assigned number. (Code 1959, § 30-38(1)(a), (2); Ord. of 7-26-77)

**Sec. 35-129. Plat book.**

For the purpose of facilitating correct numbering, a plat book of all streets, avenues and public ways within the city showing the proper numbers of all houses or other buildings fronting upon all streets, avenues or public ways shall be kept on file in the office of the superintendent of inspections. These plats shall be open to inspection of all persons during the office hours of the superintendent. Duplicate copies of such plats shall be furnished to the planning division and the assessor's office by the superintendent of inspections. (Code 1959, § 30-38(7); Ord. of 7-26-77)

**Sec. 35-130. Assignment of specific numbers.**

It shall be the duty of the superintendent of inspections to supply any party with the number or numbers belonging to or embraced within the limits of any lot or property as provided in this article. In case of conflict as to the proper number to be assigned to any building, the superintendent of inspections shall determine the number of such building. (Code 1959, § 30-38(8); Ord. of 7-26-77)

**Sec. 35-131. Display of number.**

The number or numbers of buildings shall be placed on existing buildings within twenty (20) days after the assigning of the proper number by the superintendent of inspections. The cost of the number or numbers shall be borne by the property owner. Replacement of numbers shall be the responsibility of and at the expense of the property owner. (Code 1959, § 30-38(1)(b); Ord. of 7-26-77)

**Sec. 35-132. Specifications for numbers.**

The numbers to be used on buildings pursuant to the provisions of this article shall be not less than three (3) inches in height and shall be made of a durable substance. (Code 1959, § 30-38(1)(b); Ord. of 7-26-77)

**Sec. 35-133. Location of numbers.**

Building numbers shall be conspicuously placed immediately above, on or at the side of the proper door of each building so that the number can be seen plainly from the street line. Whenever any building is situated more than fifty (50) feet from the street line, the numbers shall instead be placed near the walk, driveway or common entrance to such building and upon a gatepost, fence, tree, post or other appropriate place so as to be easily discernible from the street line. (Code 1959, § 30-38(1)(c); Ord. of 7-26-77)

**Sec. 35-134. Buildings after July 26, 1977.**

Whenever any house, building or structure shall be erected or located in the city after the twenty-sixth day of July, 1977, in order to preserve the continuity and uniformity of numbers of the houses, buildings and structures, it shall be the duty of the owner to procure the correct number or numbers as designated by the superintendent of inspections for his property and to immediately fasten such assigned number or numbers upon such building as provided in this article. (Code 1959, § 30-38(9); Ord. of 7-26-77)

**Sec. 35-135. Permits, approvals restricted.**

No building permit shall be issued for any house, building or structure until the owner has applied to the superintendent of inspections for the official number of said premises. Final approval of any structure erected, repaired, altered or modified after the twenty-sixth day of July, 1977, shall be withheld by the superintendent of inspections until permanent and proper numbers have been affixed to such structure under the provisions of this article. (Code 1959, § 30-38(9); Ord. of 7-26-77)

